

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LINDY RAY MATTHEWS,

Plaintiff,

v.

WARDEN L.E. FLEMING, et al.,

Defendants.

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Civil Action No. **3:05-CV-1408-L**

ORDER

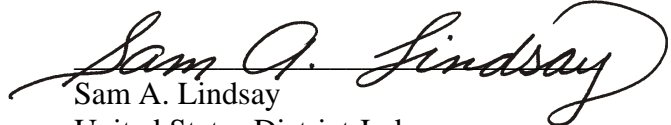
Plaintiff filed his complaint in this civil rights action pursuant to 42 U.S.C. § 1983 on July 15, 2005. The case was referred to Magistrate Judge Wm F. Sanderson, Jr., for pretrial management pursuant to the provisions of 28 U.S.C. § 636(b) and the court's June 22, 2009 order. On November 5, 2009, Defendants filed a Motion for Summary Judgment. The magistrate judge issued his Findings, Conclusions and Recommendation of the United States Magistrate Judge (the "Report") with respect to that motion on February 2, 2010. Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court grant the motion for summary judgment and dismiss this action with prejudice because Plaintiff cannot establish that Defendants were deliberately indifferent to Plaintiff's medical needs. This recommendation is supported by the record in this case in addition to the lack of competent evidence or testimony provided by Plaintiff to establish a genuine issue of material fact with respect to his claim of denial of medical care. The court agrees with the magistrate judge's recommendation.

Having reviewed Plaintiff's motion, filings, record, applicable law, and the Report in this case, the court **determines** that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **grants** Defendants' Motion for

Summary Judgment, and this action is **dismissed with prejudice**. Judgment will issue by separate document pursuant to Rule 58 of the Federal Rules of Civil Procedure.

It is so ordered this 25th day of February, 2010.


Sam A. Lindsay
United States District Judge